



proprietary business information or other privilege. In compliance with the Protective Order, Plaintiff is separately filing a request for Leave to File under Seal.

WHEREFORE, Plaintiff requests that this Court enter judgment as a matter of law in his favor as to liability for the claim assert in Count I of the Complaint.

s/ Kenneth J. Riemer  
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**CERTIFICATE OF SERVICE**

I hereby certify that on April 26, 2013, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the counsel of record.

s/ Kenneth J. Riemer  
OF COUNSEL